

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3440 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO
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AMRUTSINH KALABHAI RATHOD

Versus

JILLA SHIKSHAN ADHIKARI

Appearance:

MR NR TANDEL for Petitioner
MR DD VYAS for Respondent No. 1
MR RC KODEKAR, AGP for Respondent No. 2, 3

CORAM : MR.JUSTICE J.M.PANCHAL

Date of decision: 22/09/2000

ORAL JUDGEMENT

By means of filing this petition under Article 226 of the Constitution, the petitioner has prayed to issue a writ of mandamus or any other appropriate writ,

order or direction to quash and set aside order dated May 31, 1982 produced at Annexure-C to the petition, which is described by the petitioner as an order retiring him compulsorily from service. In the alternative, the petitioner has prayed to direct the respondents to pay him the legitimate dues such as general provident fund, gratuity, group insurance fund etc. forthwith.

The petition was placed for admission hearing before Court on August 6, 1993 and Hon'ble Mr.Justice R.K.Abichandani had passed order in following terms :-

"Rule. The respondents have not filed any affidavit-in-reply.

By way of interim relief, it is directed that pension and G.P.F. as may be payable to the petitioner on the basis of the date of superannuation as is accepted by the employer, may be paid to the petitioner by the concerned respondent."

Mr. R.C.Kodekar, learned A.G.P. has produced xerox copies of orders passed by the competent authorities sanctioning payment of pension, G.P.F. etc. as well as receipt dated September 20, 2000, executed by the petitioner, indicating that an amount of Rs. 34,093/was received by him towards leave encashment, State Group Insurance etc. Xerox copies of orders together with the receipt executed by the petitioner are ordered to be taken on record of the case. From the documents produced by the learned counsel for the respondents, it is evident that pension, G.P.F. etc. payable to the petitioner are already sanctioned and direction issued by the Court vide order dated August 6, 1993 is complied with. As the order dated August 6, 1993 passed by the High Court in this petition is complied with, learned counsel for the petitioner states that the petition be disposed of as having become infructuous, but liberty be reserved to the petitioner to move the court again in case of difficulty.

As the order dated August 6, 1993 passed by the Court in this petition is complied with, I am of the view that the petition has become infructuous and deserves to be disposed of accordingly. Therefore, rule is discharged, with no order as to costs. The petition stands disposed of as having become infructuous. Liberty is reserved to the petitioner to move the Court again in case of difficulty.

(patel)